



MEMO ENDORSED

U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

August 31, 2007

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Honorable Deborah A. Batts (By HAND)  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 2510  
New York, NY 10007

Re: United States v. Jorge Hernandez and Nelson Weisberg  
07 Cr. 817 (DAB)

Dear Judge Batts:

The defendants, Jorge Hernandez and Nelson Weisberg, were indicted on August 29, 2007. The case was assigned to Your Honor. Indictment 07 Cr. 817 is attached to this letter.

The Government respectfully requests that the Court schedule an arraignment and initial pre-trial conference for September 17, 2007, at 10AM. Mr. Hernandez was arrested, pursuant to a complaint, on August 3, 2007. He was released on his own recognizance. Nelson Weisberg, the second defendant, has not been arrested.

The Government also requests that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq., until September 17, 2007, in order to allow the parties to discuss a possible disposition of this case. The Government has conferred with Mr. John Byrnes, counsel to Mr. Hernandez, and he consents to the exclusion of time under the Speedy Trial Act until the 17<sup>th</sup> of September, as well as to the scheduling of the arraignment for September 17<sup>th</sup>, 2007.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

SO ORDERED

Deborah A. Batts  
DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE

By:

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cc: John J. Byrnes

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